

SUGGESTED ANCHOR LEAD-IN

Today the federal district court in Winston Salem, NC, announced that they were dismissing a lawsuit filed against the EPA by tobacco companies seeking to have the agency's report on environmental tobacco smoke overturned. Mike Morris has the details

Narration over exterior of EPA

Dissolve to cover of report that softens and freezes to reveal chyrons listing points:

- EPA use of faulty science and improper scientific procedure
- Manipulation of date
- Failure to use recent studies that contradicted EPA's conclusions

LAST JUNE, 6 ORGANIZATIONS FILED SUIT AGAINST THE ENVIRONMENTAL PROTECTION AGENCY, ASKING THAT THE EPA'S REPORT ON ENVIRONMENTAL TOBACCO SMOKE, BE DECLARED NULL AND VOID. THE PLAINTIFFS CITED THE AGENCY'S USE OF FAULTY SCIENCE AND IMPROPER SCIENTIFIC PROCEDURES, MANIPULATION OF DATA, AND FAILURE TO CONSIDER RECENT STUDIES THAT CONTRADICTED ITS CONCLUSIONS. UPON ITS RELEASE IN JANUARY OF 1993, THE REPORT WAS CONDEMNED BY SCORES OF LEADING SCIENTISTS

Dr. Gio Gori
(existing soundbite from June)

The EPA report on ETS does not conform to scientific standards if for no other reason because it uses data that support their position and ignores all contrary data. In fact, if the report were a scientific dissertation for a Doctoral degree it would be rejected by any academic panel in this country.

DESPITE THE REACTION FROM THE SCIENTIFIC COMMUNITY, THE COURT'S DISMISSAL OF THE SUIT TEMPORARILY PREVENTS JUDICIAL REVIEW OF THE EPA'S CONDUCT.

Steve Parrish on camera

If this ruling is allowed to stand what that means is that a judge will not be able to look at the facts in the case: the fact that EPA ignored 2 very recent large studies that were inconsistent with the EPA's results; the fact that 80% of the studies EPA did look at were inconsistent with the claims EPA has made and the fact that in the middle of the process EPA changed its own methodology in order to get to the conclusion it wanted to get to.

Dissolve to EPA shots-logo and interiors

Dissolve to shot of Reilly at the podium
(from January presser)

Dissolve in cover of report-it opens and
chyr ons reveal:

- "EPA science is of uneven quality"
- "The agency's policies and regulations are frequently perceived as lacking a strong scientific foundation"
- "EPA science is perceived by many people both inside and outside the agency to be adjusted to fit policy"

THE AGENCY HAS A HISTORY OF CONTROVERSIAL SCIENTIFIC FINDINGS. IN FACT, FORMER EPA ADMINISTRATOR, WILLIAM REILLY, WAS SO CONCERNED ABOUT THE AGENCY'S USE OF SCIENCE THAT HE DEMANDED AN AUDIT OF THE AGENCY'S PRACTICES AND POLICIES. THE REPORT RELEASED IN 1992, WAS EXTREMELY CRITICAL OF THE AGENCY IN MANY KEY AREAS - FINDING THAT: "EPA SCIENCE IS OF UNEVEN QUALITY, AND THE AGENCY'S POLICIES AND REGULATIONS ARE FREQUENTLY PERCEIVED AS LACKING A STRONG SCIENTIFIC FOUNDATION...AND "EPA SCIENCE IS PERCEIVED BY MANY PEOPLE, BOTH INSIDE AND OUTSIDE THE AGENCY, TO BE ADJUSTED TO FIT POLICY."

IRONICALLY, THAT'S EXACTLY THE BASIS OF THE ETS LAWSUIT, THAT THE EPA'S CLAIMS LACK A STRONG SCIENTIFIC FOUNDATION. IN FACT, THE AGENCY DID NO CLINICAL OR LABORATORY RESEARCH FOR ITS REPORT. INSTEAD, ITS RISK ASSESSMENT WAS BASED ON A REVIEW OF 30 STUDIES CONDUCTED IN THE 1980S. 80% OF THOSE STUDIES FAILED TO SUPPORT EPA'S CONCLUSIONS. ONLY BY MANIPULATING DATA COULD EPA MAKE ITS CLAIMS. IN ADDITION, THE AGENCY ALSO IGNORED ONE OF THE LARGEST AND MOST RECENT ETS STUDIES, CONDUCTED BY THE NATIONAL CANCER INSTITUTE, THAT SHOWED NO STATISTICALLY SIGNIFICANT ASSOCIATION BETWEEN THE ETS AND LUNG CANCER.

Bob Weber on camera

The court has decided not to review the merits of our case at this time. And the case has been dismissed on a technicality.

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DRAFT

Continue Weber

We're considering an appeal because the EPA admitted that it undertook no independent research whatsoever on environmental tobacco smoke, and because we believe that when a court does review the merits of this case, EPA's action will be exposed for what it is: EPA policy and not sound science.

Shots of plaintiffs press conference

WITH THE PLAINTIFFS VOWING TO
CONTINUE THEIR FIGHT TO OVERTURN
THE EPA REPORT, THIS CASE IS FAR FROM
OVER.

THIS IS MIKE MORRIS REPORTING

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